

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1473 Heather Place, Pottstown, PA 19464

Address of Defendant: 650 Westtown Road, West Chester, PA 19380

Place of Accident, Incident or Transaction: 650 Westtown Road, West Chester, PA 19380

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases

11. ☒ All other Federal Question Cases

(Please specify) DISCRIMINATION - sex/pregnancy

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Edward C. Sweeney, Esquire, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: 4/28/16

Edward C. Sweeney
Attorney-at-Law

64565

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/28/16

Edward C. Sweeney
Attorney-at-Law

64565

Attorney I.D.#

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

LINDSAY MORTON
1473 Heather Place, Pottstown, PA 19464

(b) County of Residence of First Listed Plaintiff Montgomery
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

EDWARD C. SWEENEY, ESQ., WUSINICH & BROGAN P.C.
537 W. Uwlchan Ave., Suite 200, Downingtown, PA
19335 610-594-1600

DEFENDANTS

A. DUIE PYLE, INC.
650 Westtown Road, West Chester, PA 19380

County of Residence of First Listed Defendant Chester
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

Title VII, 42 U.S.C. § 2000e
Pregnancy Discrimination / Sex discrimination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDSAY MORTON
1473 Heather Place
Pottstown, PA 19464

Plaintiff

vs.

A DUIE PYLE INC.
650 Westtown Road
West Chester, PA 19830

Defendant

: CIVIL ACTION
:
:
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:
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: NO.
:
:
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: JURY TRIAL DEMANDED

COMPLAINT

JURISDICTION AND VENUE

1. Federal jurisdiction is conferred based on the Pregnancy Discrimination Act which amended Title VII, 42 U.S.C. §2000e, et seq. Plaintiff's Title VII right to sue letter was issued 2/1/16 and was received on 2/3/16 and is attached as Exhibit A. This Complaint was filed within 90 days. Plaintiff cross-filed this matter under the Pennsylvania Human Relations Act ("PHRA"), 43 Pa.C.S. §951, et seq., with the Pennsylvania Human Relations Commission and it has been one year since that cross-filing. This Court has jurisdiction over the state law claims in light of the foregoing basis for federal jurisdiction. More than year has passed since this matter was filed in the PHRA.

2. Venue is proper in the Eastern District of Pennsylvania because the alleged discrimination occurred in Chester County, the Plaintiff lives in Montgomery County, and the Defendant is located in Chester County.

PARTIES

2. Plaintiff is Lindsay Morton with address of 1473 Heather Place, Pottstown, PA 19464.

3. Defendant A. Duie Pyle Inc. ("Defendant" or A. Duie Pyle) is a corporation at 650 Westtown Road, West Chester, Pa 198380.

FACTS

4. Defendant had more than fifteen employees at the time of Plaintiff's termination.

5. Plaintiff worked at Defendant since September 9, 2013.

6. Plaintiff was fired on February 12, 2014 by Defendant because of her pregnancy (sex).

7. At all relevant times to this Complaint, Plaintiff was of the female sex, was pregnant, and had related medical conditions relating to her pregnancy.

8. Plaintiff's immediate supervisor was Stephanie Cottman.

9. Plaintiff told Ms. Cottman she had a high risk pregnancy in and around early February and she would need to have a number of medical appointments for the high risk appointments.

10. Ms. Cottman told Mr. Gaskill, Ms. Cottman's supervisor, of the high risk pregnancy and the need for medical appointments related to the high risk pregnancy.

11. By amendment through the Pregnancy Discrimination Act, Title VII defines the term "because of sex" as including, but not limited to, "because of or on the basis of pregnancy, childbirth, or related medical conditions." 42 U.S.C. §2000e(k).

12. The second clause of the PDA further provides that "women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work."

13. Several days previous to February 11, 2014, Plaintiff informed Defendant's manager Stephanie Cottman that she need to go to an appointment for a high risk pregnancy on February 11, 2014.

14. On February 10, 2014, Dave Gaskill, one of Defendant's higher level supervisors and Stephanie Cottman's one over, told Plaintiff through Cottman that Plaintiff need to find some other employee to fill her shift or that Plaintiff needed to come back after her appointment, and Plaintiff told her it was moved to the 12th because of an unexpected upcoming snow storm

15. Ms. Cottman told Plaintiff in this conversation that it was o.k. if she could not find someone because under the circumstances of the timing and low staffing in the unit it would be hard to find someone to full in for her.

16. Plaintiff tried to find someone to fill her position on February 12th.

17. Ms. Cottman would later approve Plaintiff to go to the appointment when Plaintiff could not find someone to replace Plaintiff.

18. Plaintiff went to the appointment on February 12, 2014.

19. Plaintiff came back to work as requested.

20. Plaintiff was fired when she came back to work on the same day, February 12th.

21. Plaintiff was met as soon as she came back to work by Ms. Cottman who immediately took her to a room with a Human Resource (HR) representative, an HR Specialist, named "Chad."

22. Ms. Cottman stayed for the meeting.

23. Plaintiff was told she was being fired for a “poor attitude” and work performance reasons.

24. Plaintiff challenged the HR Specialist and said “You’re not firing me because of my pregnancy???”

25. The HR Specialist responded, “No,” and he did not elaborate and Plaintiff was escorted out

26. Plaintiff was fired because of her sex and pregnancy, including her medical conditions and appointments, and the possible disruption same may cause in the workplace and with her work performance.

27. Plaintiff was treated differently from other similarly situated employees who were not woman, or pregnant, or had a need for a medical appointments because of their non-pregnancy related condition, who were similar in ability or inability to work, including but not limited in being told to find a replacement worker and being terminated given her high risk pregnancy and/or her medical appointments.

28. Plaintiff alleges that the discriminatory acts of the Defendants, as described above, caused injuries to the Plaintiff, including loss of wages, loss of employment benefits, loss of potential future income and employment benefits, mental anguish, stress, anxiety, humiliation, and loss of life’s pleasures.

29. Defendant’s conduct that harmed the plaintiff was malicious, oppressive or in reckless disregard of the plaintiff’s rights.

30. Defendant’s conduct was perpetrated by supervisory level employees or above, including second line supervisors and human resource officials.

32. Defendant did not have written policies and procedures in place to guard against sexual or pregnancy discrimination.

33. Defendant did not adequately implement its policies and procedures against discrimination, including but not limited through appropriate training.

34. Defendant's conduct is grounds for punitive damages.

35. Plaintiff was earning \$13 an hour.

36. Plaintiff was earning approximately \$27,000 per year

37. Plaintiff was within a month of being awarded benefits and would have received benefits on an ongoing basis but-for Defendant's conduct, said benefits being properly awarded to Plaintiff under the facts of this case.

38. Plaintiff would have continued to work for Defendant but for her termination through her pregnancy.

COUNT I

LINDASY MORTON V. A. DUIE PYLE INC.

PREGNANCY DISCRIMINATION ACT/TITLE VII

PREGNANCY DISCRIMINATION

39. Plaintiff incorporates the foregoing allegations as if set forth herein at length.

40. Plaintiff is in a protected class under the Pregnancy Discrimination Act and Title VII.

41. Defendant discriminated against and terminated Plaintiff because of her sex, because she was pregnant, and because of her related medical conditions.

42. Plaintiff was treated differently from similar situated persons who were not women, not pregnant, and did not have pregnancy related conditions.

43. Plaintiff has sustained damages, including but not limited to loss of earnings, loss of benefits, and compensatory damages (pain and suffering).

44. Defendant is liable for punitive damages.

45. Plaintiff's losses were proximately caused by Defendant's discrimination.

WHEREFORE, Plaintiff demands the following relief: (1) wages, employment benefits or other compensation denied or lost by such violation, including back pay and front wages; (2) equitable relief such as rehiring; (3) a reasonable attorney's fee under relevant statutory law if the prevailing party; (4) the employee's expert witness fee, if any; (5) rehire to Defendant to his former position (with all back and future benefits he would have been entitled to); (6) damages for pain, suffering, humiliation, and emotional distress; (7) punitive damages; (8) interest; (9) an additional amount for the tax consequences for an award in Plaintiff's favor under the Third Circuit's ruling in Eshelman v. Agere Systems, Inc., 554 F.3d 426 (3d Cir. 2009); and (10) other costs of the action.

COUNT II

LINDASY MORTON V. A. DUIE PYLE INC.

PREGNANCY DISCRIMINATION ACT/TITLE VII

RETALIATION

47. Plaintiff incorporates the foregoing allegations as if set forth herein at length.

48. Plaintiff is in a protected class under the Pregnancy Discrimination Act and Title VII (sex/pregnant).

49. Plaintiff was retaliated against for having been pregnant or because of having a high risk pregnancy and/or the necessity of having medical appointments for the high risk pregnancy, having reported same to the Defendant.

50. Plaintiff has sustained damages, including but not limited to loss of earnings, loss of benefits, and compensatory damages (pain and suffering).

51. Punitive damages are appropriate under the facts of this case.

52. Plaintiff's losses were proximately caused by Defendant Patwell's discrimination.

WHEREFORE, Plaintiff demands the following relief: (1) wages, employment benefits or other compensation denied or lost by such violation, including back pay and front wages; (2) equitable relief such as rehiring; (3) a reasonable attorney's fee under relevant statutory law if the prevailing party; (4) the employee's expert witness fee, if any; (5) rehire to Defendant to his former position (with all back and future benefits he would have been entitled to); (6) damages for pain, suffering, humiliation, and emotional distress; (7) punitive damages; (8) interest; (9) an additional amount for the tax consequences for an award in Plaintiff's favor under the Third Circuit's ruling in Eshelman v. Agere Systems, Inc., 554 F.3d 426 (3d Cir. 2009); and (10) other costs of the action.

COUNT III

LINDASY MORTON V. A. DUIE PYLE INC.

VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT

PREGNANCY DISCRIMINATION

53. Plaintiff incorporates the foregoing allegations as if set forth herein at length.

54. Plaintiff Susan Santiago is in a protected class under the Pennsylvania Human Relations Act (sex/pregnant).

55. Defendant discriminated and terminated Plaintiff because of her pregnancy.

56. Plaintiff was treated differently from similar situated persons who were not women, not pregnant, and did not have pregnancy related conditions.

57. Plaintiff has sustained damages, including but not limited to loss of earnings, loss of benefits, and compensatory damages (pain and suffering).

58. Plaintiff's losses were proximately caused by Defendant's discrimination.

WHEREFORE, Plaintiff demands the following relief: (1) wages, employment benefits or other compensation denied or lost by such violation, including back pay and front wages; (2) equitable relief such as rehiring; (3) a reasonable attorney's fee under relevant statutory law if the prevailing party; (4) the employee's expert witness fee, if any; (5) rehire to Defendant to his former position (with all back and future benefits he would have been entitled to); (6) damages for pain, suffering, humiliation, and emotional distress; (7) interest; (8) an additional amount for the tax consequences for an award in Plaintiff's favor under the Third Circuit's ruling in Eshelman v. Agere Systems, Inc., 554 F.3d 426 (3d Cir. 2009); and (9) other costs of the action.

COUNT IV

LINDASY MORTON V. A. DUIE PYLE INC.

VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT

RETALIATION

59. Plaintiff incorporates the foregoing allegations as if set forth herein at length.

60. Plaintiff is in a protected class under the Pennsylvania Human Relations Act (sex/pregnant).

61. Plaintiff was retaliated against for having been pregnant or because of having a high risk pregnancy and/or the necessity of having medical appointments for the high risk pregnancy, having reported same to the Defendant.

62. Plaintiff has sustained damages, including but not limited to loss of earnings, loss of benefits, and compensatory damages (pain and suffering).

63. Plaintiff's losses were proximately caused by Defendant's discrimination.

WHEREFORE, Plaintiff demands the following relief: (1) wages, employment benefits or other compensation denied or lost by such violation, including back pay and front wages; (2) equitable relief such as rehiring; (3) a reasonable attorney's fee under relevant law if the prevailing party; (4) the employee's expert witness fee, if any; (5) rehire to Defendant to his former position (with all back and future benefits he would have been entitled to); (6) damages for pain, suffering, humiliation, and emotional distress; (7) interest; (8) an additional amount for the tax consequences for an award in Plaintiff's favor under the Third Circuit's ruling in Eshelman v. Agere Systems, Inc., 554 F.3d 426 (3d Cir. 2009); and (9) other costs of the action.

Respectfully submitted,

WUSINICH & BROGAN

Date: April 28, 2016

BY: Edward C. Sweeney /s/
Edward C. Sweeney, Esquire
537 West Uwchlan Avenue, Suite 200
Downingtown, PA 19335
(610) 594-1600

Attorney for Plaintiff, Lindsay Morton

EXHIBIT A

FEB 03 2016

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Lindsay Morton**
442 Upland Street Apt. D6
Pottstown, PA 19464

From: **Philadelphia District Office**
801 Market Street
Suite 1300
Philadelphia, PA 19107



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2014-02917

Legal Unit,
Legal Technician

(215) 440-2828**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Spencer H. Lewis, Jr.,
District Director

2/11/16

(Date Mailed)

Enclosures(s)

cc: **Christopher J. Moran, Sr.**
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103

Edward C. Sweeney
WUSINICH & BROGAN
537 West Uwchlan Avenue
Suite 200
Downingtown, PA 19335

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDSAY MORTON
1473 Heather Place
Pottstown, PA 19464

Plaintiff

vs.

A DUIE PYLE INC.
650 Westtown Road
West Chester, PA 19830

Defendant

: CIVIL ACTION

: NO.

: JURY TRIAL DEMANDED

JURY DEMAND OF PLAINTIFF LINDSAY MORTON

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Lindsay Morton hereby demands a trial by jury in the above-captioned action of all issues triable by jury.

Dated: April 28, 2016

Edward C. Sweeney /s/
Edward C. Sweeney
Wusinich & Brogan P.C.
537 West Uwchlan Avenue, Suite 200
Downingtown, PA 19335
(610) 594-1600

Attorney for Plaintiff Lindsay Morton